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6/5/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :

Gary D. HODGEN et al.

Group Art Unit: 1617

Serial No.: 08/462,703

Examiner: Edward J. Webman

Filed: June 5, 1995

For: ANTIPROGESTIN METHOD AND KIT FOR REDUCING SIDE EFFECTS
EFFECTS ASSOCIATED WITH LOW DOSAGE HRT, ORAL
CONTRACEPTION AND REGULATING MENSES

RESPONSE

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

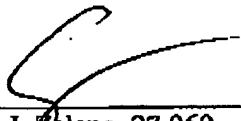
The following is responsive to the Office Action of April 28, 2003.

The Examiner indicates that certain passages in USP 5,622,943 allegedly anticipate the claims of this application (49, 50, 55). However, these passages are also embodied in the claims of '943. When a U.S. patent is claiming the same invention as an application, it is clear that an interference is in order. All requirements necessary for declaration of an interference between all claims of '943 and claims 49, 50 and 55 of this application are demonstrated as being fulfilled in the paper filed on June 5, 2002 and entitled "Response to Restriction Requirement."

Moreover, the Examiner will note that the sole inventor of USP 5,622,943 is a co-inventor of this application. Since the same inventions are being claimed and since the assignees of the U.S. patent and this application are different, it is clear that the involved dispute must be settled in the PTO by an interference.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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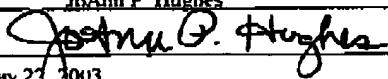
Attorney Docket No.: SCH-1309C3

Date: May 22, 2003

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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Commissioner of Patents, P O Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Name InAnn P. Hughes
Signature 
Date May 22, 2003

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<p>Date: May 22, 2003</p> <p>To: Examiner Edward J. Webman Group 1617 U.S. PTO</p> <p>Facsimile No.: (703) 872-9306</p> <p>Telephone No.:</p>	<p>From: Anthony J. Zelano MILLEN, WHITE, ZELANO & BRANIGAN, P.C. Arlington Courthouse Plaza I 2200 Clarendon Blvd., Suite 1400 Arlington, VA 22201 (U.S.A.) (Fax: 703-243-6410)</p> <p>Writer's Direct Dial: (703) 812-5311</p> <p>Writer's Internet Address: zelano@mwzb.com</p>
<p>Re: U.S. Patent Application No. 08/462,703 Attorney Docket No. SCH-1309E3</p>	
<p>Total No. of Pages: 3 ; if you do not receive all pages, please call (703) 243-6333</p>	

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